

Patrick F. Bright (State Bar No. 68709)
WAGNER, ANDERSON & BRIGHT PC
3541 Ocean View Boulevard
Glendale, California 91208
Telephone: (818) 249-9300
Facsimile: (818) 249-9335
E-Mail: pbright@brightpatentlaw.com

Attorneys for Plaintiff SmartMetric, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SMARTMETRIC, INC.,

Plaintiff,

v.

MASTERCARD INTERNATIONAL
INCORPORATED AND VISA INC.,

Defendants.

AND RELATED COUNTERCLAIMS

Case No. 11-CV-7126 MWF (AJWx)

STATEMENT OF UNCONTROVERTED
FACTS IN SUPPORT OF PLAINTIFF
SMARTMETRIC INC.
MOTION FOR PARTIAL SUMMARY
JUDGMENT OF INFRINGEMENT OF
U.S. PATENT 6,792,464 CLAIMS 1, 5-7,
11, AND 13, AND FOR DISMISSAL
WITH PREJUDICE OF THE
ANTICIPATION AFFIRMATIVE
DEFENSE

Date: May 13, 2013

Time: 10:00 a. m.

Place: Court of District Judge Fitzgerald

Uncontested Fact	Evidence of Fact
Personal jurisdiction, subject matter jurisdiction, and venue are proper in this case.	Uncontested
MasterCard and VISA's EMV systems have all the elements of claim 1 of the '464 patent.	Gussin Declaration at ¶¶ 3-11 and Exhibit 6
MasterCard and VISA's EMV systems have all the elements of claim 5 of the '464 patent.	Gussin Declaration at ¶¶ 3-5, 12, and Exhibit 6
MasterCard and VISA's EMV systems have all the elements of claim 6 of the '464 patent.	Gussin Declaration at ¶¶ 3-5, 13, and Exhibit 6
MasterCard and VISA's EMV systems have all the elements of claim 7 of the '464 patent.	Gussin Declaration at ¶¶ 3-5, 14, and Exhibit 6
MasterCard and VISA's EMV systems have all the elements of claim 11 of the '464 patent.	Gussin Declaration at ¶¶ 3-5, 15, and Exhibit 6
MasterCard and VISA's EMV systems have all the elements of claim 13 of the '464 patent.	Gussin Declaration at ¶¶ 3-5, 16, and Exhibit 6
The Dancs U.S. patent 6,108,789 does not anticipate the '464 patent.	Gussin Declaration at ¶ 18, and Exhibit 6

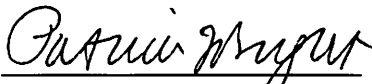
1 The Kleinrock U.S. patent 6,795,853
2 does not anticipate the '464 patent.

Gussin Declaration at ¶ 18, and Exhibit
6

3
4
5 Dated: March ²⁶~~25~~, 2013

Respectfully submitted,

6 WAGNER, ANDERSON & BRIGHT, PC

7 By: 
8 Patrick F. Bright (SBN 68709)
9 3541 Ocean View, Blvd.
10 Glendale, California 91208
11 Telephone: (818) 249-9300
12 Facsimile: (818) 249-9335

13 Attorneys for Plaintiff SMARTMETRIC INC.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28